

EXHIBIT

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STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

D.C. File:82-CR-19-2887

C.A. File: 062-0410656

-vs-

GRAND JURY TRANSCRIPT

Brian Jeffrey Krook,

Defendant.

REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS

July 18, 19, 2019

APPEARANCES:

Assistant Washington County Attorney Fred Fink,
Assistant Ramsey County Attorney Richard Dusterhoft,
Assistant Ramsey County Attorney Andrew Johnson,
Assistant Ramsey County Attorney Thomas Hatch,
Assistant Ramsey County Attorney John Kelly,
representing the Office of the Washington County
Attorney.

Jennifer D. Ogaard, RPR, CRR, duly appointed and
and sworn as the official shorthand reporter of the
Washington County Grand Jury.

Jennifer D. Ogaard, RPR CRR

1 help him, and I continued to do that for what felt
2 like an hour. Um -- I know it was a very long time.
3 This wasn't a situation that happened in just a
4 matter of seconds. Um -- it continued for, I don't
5 know, 30, 40 minutes of just back-and-forth
6 conversation and trying to reason with him and get
7 him to drop the gun.

8 Q Did he ever drop the gun?

9 A No.

10 Q Did you -- did you feel like you were
11 making progress with him though?

12 A I did.

13 Q And why? Why did you feel that way?

14 A I got him to remove the magazine out of
15 the weapon -- um -- and I also convinced him to move
16 the gun from his head. He did point it to his
17 chest, but I thought that was better than the head.
18 I thought that was -- I was making some progress and
19 I felt that he was beginning to trust me.

20 Q Okay. And was there -- was there a plan
21 for what you were going to do in that situation?

22 A I did not really have a plan. My plan was
23 to eventually get him to drop the weapon and -- and
24 then try to get him help. Um -- really just --

25 Q So you -- obviously you didn't approach

1 A Yes. He kept looking behind him. So he
2 had the gun in his right hand up to his head and he
3 would periodically look around.

4 Q And what did you think he was doing when
5 he was turning his head?

6 A I don't know if he was looking to see if
7 we were coming up behind him, or if there was
8 somebody else back there, or if he was looking for
9 an exit route. I really had no idea.

10 Q Did it cause you any concern?

11 A Yes.

12 Q Why?

13 A Because I don't know what he was going to
14 do and there was -- I mean -- there was houses back
15 there also, innocent people, so I was worried. Is
16 he going to try to run into his house or a
17 neighbor's house or? I didn't really know.

18 Q Okay. Did he ever point the gun at you --

19 A No.

20 Q -- or any of the other officers?

21 A No.

22 Q Did he ever say he wanted to kill you or
23 shoot you?

24 A No.

25 Q Did he or the other officers -- did he say

1 he ever wanted to shoot the other officers?

2 A No.

3 Q Did he say he was going to not do anything
4 that would cause you law enforcement to shoot him?

5 A No.

6 Q Did he say he was familiar with your
7 tactics and knew what you were going to do?

8 A Um -- he did call a couple of things --
9 um -- he -- from what I gathered, he was a former --
10 um -- firefighter, so he at least loosely worked
11 with law enforcement in the past and so -- um -- he
12 just kept saying, you know, you're doing a good job
13 but it's not going to change anything. He kept
14 saying that type of stuff.

15 Q Did he do anything that caused you to
16 consider shooting him?

17 A No.

18 Q So did you feel any immediate threat to
19 your safety or the safety of the other officers that
20 would cause you to shoot him?

21 A No.

22 Q Did you tell Evans not to move his head to
23 the left or the right?

24 A No.

25 Q Did anyone?

1 A He was looking around.

2 Q What's that?

3 A He was looking behind him again just
4 before shots were fired.

5 Q Yeah. But that wasn't causing you --

6 A It did make us worry because we didn't
7 know what he was thinking or what he might do, so it
8 did concern us when he did look around -- um.

9 Q When you say it did concern us, have you
10 talked with other officers about it, the situation?

11 A In -- I mean, we've had debriefs, yes.

12 Q All right. But I just want to talk about
13 your --

14 A Okay.

15 Q -- your feelings at that time.

16 A Yes. I mean, it made me uneasy that he
17 was looking around because I didn't know what he was
18 thinking or planning.

19 Q But obviously it didn't make you shoot
20 your weapon.

21 A No.

22 Q Who did shoot at Evans?

23 A Deputy Krook.

24 Q And do you know how many shots were
25 initially fired?

1 A I don't.

2 Q And were they gunshots or were they
3 beanbag shots? Did he use the less lethal or his
4 lethal weapon?

5 A He used his lethal weapon, his Glock.

6 Q At the time, when the shots went off, what
7 did you think he was shooting?

8 A I initially thought he shot the less
9 lethal.

10 Q Why did you think that?

11 A I had seen Deputy Krook with the less
12 lethal shotgun prior to the shots being fired. I
13 just glanced over and saw that he had access to both
14 and that's what I thought he fired. I didn't see
15 him shoot. I just heard it.

16 Q All right. Did you ever ask Krook why he
17 didn't use the less lethal?

18 A No.

19 Q And in the debriefs -- have you debriefed
20 with him?

21 A No.

22 Q Who were you debriefing with?

23 A Pretty much every other officer except
24 Deputy Krook.

25 Q Now, after Krook shot his weapon, what did

1 A Yes, sir.

2 Q And how did you feel that the negotiations
3 were going at that point?

4 A I thought they were going good. I mean,
5 he took the magazine out.

6 Q When somebody takes a magazine out of a
7 semi automatic handgun, is there still potentially a
8 bullet remaining in the gun?

9 A Yes, sir. He mentioned that and said it
10 was for him.

11 Q Okay. At any time did he say that last
12 bullet was for law enforcement?

13 A No, sir.

14 Q Did negotiations continue even after he
15 put the magazine down?

16 A Yes, sir.

17 Q And again, turning of his head, turning of
18 his body, that in and of itself was not concerning
19 to you, is that correct?

20 A At the time, no.

21 Q At some point though you heard shots, is
22 that right?

23 A Yes, sir.

24 Q And did you know at the time that you
25 heard the shots, did you know who was making the

1 Q Did you give a statement to the BCA?

2 A Yes, sir.

3 Q Did you talk with anybody else that was
4 involved with this on scene before you talked with
5 people at the BCA?

6 A Ah, just minor stuff. I think Sergeant
7 Folendorf asked who actually fired and we let her
8 know who fired.

9 Q To be clear, just before the first round
10 of shots, did you see anything in Mr. Evans'
11 behavior that caused you to fear for your life or
12 the lives of the other law enforcement officers?

13 A When he kept giving an ultimatum about
14 wanting to call his girlfriend, but nothing that
15 made me want to or made me feel the need to fire.

16 Q Okay. Did you have any meetings with
17 anybody in your department, say, next day or the
18 days following this about what happened?

19 A Ah, I think the next week we had a meeting
20 with the mental health and crisis counselors.

21 Q Did you ever have any debriefs though?

22 A I guess that kind of counted as our
23 debrief.

24 Q Who was present for that?

25 A All the officers. All the deputies

1 wholeheartedly were going to give him a phone if he
2 put the gun down. Um -- my fear was what would
3 happen if he got the phone and, again, that was one
4 of the reasons I was trying to talk to somebody from
5 negotiations. Um --

6 Q What were you thinking? Why do you say
7 you feared that?

8 A I was afraid if he got on the phone with
9 this girl or ex-girlfriend, that he was going to
10 initiate a suicide-by-cop situation or commit
11 suicide while he was on the phone with her.

12 Q What do you mean a suicide by cop?

13 A That he would take action such as pointing
14 a loaded weapon at one of us to put us in a position
15 where we would fire our firearms at him.

16 Q Did you ever see him point a gun at any of
17 the law enforcement?

18 A Um -- at that point, no.

19 Q Well, before the first shots were fired?

20 A No.

21 Q You never saw him point it at anyone --

22 A No.

23 Q -- other than himself?

24 A Correct. Um -- and I don't think I
25 answered your question about the countdown.

1 diffuse?

2 A Yeah. I think Deputy Ramirez really did a
3 great job of kind of settling down to the point -- I
4 don't want to say he forgot, but he stopped the
5 countdown.

6 Q So there was no action that had to be
7 taken after whatever period of time it was?

8 A No.

9 Q Okay. Did Mr. Evans ever say anything to
10 suggest to you that he would hurt any of the law
11 enforcement personnel?

12 A No.

13 Q Did he, in fact, say just the opposite,
14 that he had no intention of hurting law enforcement
15 and that the bullet in the chamber was for him?

16 A Oh, I do recall him saying something to
17 that effect, yes.

18 Q And you were aware that he had gotten rid
19 of the magazine?

20 A I can't say if I recall that happening or
21 if I heard somebody tell me that happened, so I
22 can't answer that either way.

23 Q Okay. We hear on the body-camera of
24 Deputy Ramirez over and over again when he says I
25 can't approach when you have that gun in your hand,

1 gun still in his hand, that creates a dangerous
2 situation?

3 A Yes.

4 Q All right. Now, so was the plan to
5 somehow separate Mr. Evans from his gun?

6 A Yes.

7 Q What were the ways that you had in mind
8 for doing that?

9 A Well, what seemed to be working and
10 what -- the training that we've had was really just
11 talking with him. At that point, I feel like that
12 was probably one of the only options that we had at
13 that moment. He seemed to be receptive during parts
14 of the conversation, but then at times he was not.
15 So I think, ultimately, the goal was to continue to
16 talk to him and get him to set the firearm down so
17 that we could get him some help, get him the phone
18 call that he wanted to make and resolve the
19 situation.

20 Q How long were you willing to continue the
21 negotiation?

22 A As long as it took.

23 Q You did not set any kind of deadline?

24 A Never ever ever would I set a deadline
25 ever.

1 Q Did you as -- you are in charge of this
2 scene, right?

3 A Correct.

4 Q Did you communicate that you were willing
5 to wait for as long as necessary?

6 A I did not communicate any timeline,
7 including as long as necessary.

8 Q Okay. Other than suggesting that Deputy
9 Ramirez be the sole person talking, did you feel
10 that there needed to be any change in what was
11 happening when you arrived on the scene?

12 A The only change was in the works and that
13 was contacting the SWAT team and the SWAT
14 negotiators to see if -- my hope was that they would
15 maybe give some advice and obviously respond to the
16 scene, and maybe have some training and experience
17 that I didn't have to, I don't know, change the
18 situation or maybe just to help essentially.

19 Q Yeah. Now, was Mr. Evans -- you did learn
20 his name eventually right?

21 A I did, yes.

22 Q So if I call him Mr. Evans, you know who
23 I'm talking about?

24 A Yes.

25 Q Did he -- was he in a standing position,

1 deliberately pointing the gun? Do you have any
2 idea?

3 A I don't know what his intentions were or
4 where he was at that point, but if a muzzle of a
5 firearm is pointing at me, I'm not taking the chance
6 of letting him fire it at me or one of my partners.

7 Q But you didn't shoot.

8 A I did not.

9 Q And Ramos didn't shoot?

10 A He did not.

11 Q And Ramirez didn't shoot?

12 A That is correct.

13 Q The only one who took a shot, three shots,
14 was Deputy Krook?

15 A That is correct.

16 Q Have you ever been in this kind of
17 situation before?

18 A Never.

19 Q And when you talk about training you
20 received, have you used -- have you had crisis
21 intervention team training?

22 A I have had 40 hours of crisis intervention
23 training.

24 Q Are there simulations done of a suicidal
25 person and whether or not you approach that person

1 when they have a loaded weapon in their hand?

2 A In none of the training that I had was it
3 simulated with a person with a firearm.

4 Q Now, at some point did you give up your
5 body-camera to Krook?

6 A Yes.

7 Q Actually returned his body-camera to him?

8 A Yes. It was still logged in under my
9 name, but when I went behind the building to --
10 um -- make the calls about doing a SWAT call-out --
11 um -- I did give it to him.

12 Q Did he sign in as himself?

13 A No. That requires a couple of minutes,
14 maybe a minute, and at that point that just wouldn't
15 make sense to do that, so it was more important to
16 have the body-camera going, so I just handed it to
17 him.

18 Q I don't mean to suggest I'm criticizing in
19 any way. I just want to make sure everybody
20 understands that when the body-camera video that
21 we're going to see or going to hear anyway, is now
22 on Deputy Krook, after you tried to make the calls
23 to the SWAT team and negotiators?

24 A Correct, still under my name.

25 Q All right. Did you ever talk with Deputy